IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.650 OF 2000
IN
SUMMARY SUIT NO.5474 OF 1999

Apple Finance Ltd. ..Plaintiffs

Vs.

Shri R.C.Bagrodia ..Defendants

Mr.K.P.Madhusoodan Nair for the plaintiffs

Mr.S.K.Chaurasia i/b Mr.A.M.Saraogi for the defendants

CORAM : S.U.KAMDAR, J
DATED : 21ST SEPTEMBER, 2005

P.C.:

1. The Learned counsel for the plaintiff seeks leave to withdraw the Summons for Judgment in view of the fact that the defendant company is declared as sick undertaking under section 22 of the Sick Industrial Companies Act, 1985 with liberty to take out fresh Summons for Judgement after the defendant company comes out from the declaration of sick undertaking. Summons for Judgment is withdrawn with aforesaid liberty.

2. The defendants are directed to keep the

Office of the Prothonotary and Senior Master, High Court, Bombay and the plaintiff's advocate informed about the status of the proceedings before the AAIFR every six months and if any final order is passed then such order to be communicated within 15 days from the passing of the said order.

3. The learned counsel for the defendant states that he will furnish details of appeal number and status of the case to the plaintiffs within one week from today. In an event the said details is not furnished, plaintiffs will be at liberty to move the court again. In view of the fact that company is under AAIFR suit as against defendant who is the guarantor cannot proceed u.s.22.